IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 31105 of 2006(C)

PETITIONER:

P.M. MUSTHAFA, S/O.N.M. MUHAMMAD,
P.O. MATTATHODY, MUBARAK ROAD, KASARAGOD.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENT:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KASARGOD.

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO.31105 OF 2006

Dated this the 15th day of December, 2006

J U D G M E N T

Petitioner is a Bus Operator who purchased a vehicle bearing Reg.No. KL 10/H 2718 as a stage carriage for conducting self employment. After the purchase of the vehicle he changed the classification as Educational Institution bus without any change in the physical structure. Even after changing the classification, according to him the same could not be operated as now the petitioner again wants to change as stage carriage since the physical structure of the bus was not changed while changing the classification. The grievance of the petitioner is that request for changing the classification to the earlier position is not accepted inspite of the fact that the petitioner has made known to the respondent that there is no physical change in the structure of the vehicle. Hence he has approached this court for appropriate directions in this behalf. Exhibit P2 is the request made by the petitioner for change of the classification of the vehicle to stage carriage.

2. When the matter came up for consideration on last

occasion, the Government Pleader was asked to get instruction on the matter. He made available a copy of the written instruction received by him and as per that necessary sanction has been issued on 11/08/2006, but the petitioner has not been served with a copy of the said proceedings.

3. However, in view of the stand taken by the authorities that proceedings are already issued and what is required to be done by the petitioner is only to produce the vehicle for inspection, the petitioner shall produce the vehicle for inspection and produce copy of this judgment whereupon the Regional Transport Officer shall pass appropriate orders if he is satisfied that no further change in the physical structure of the vehicle is required and allow the change in the classification sought for.

Writ petition is disposed of as above.

P.R.RAMAN, JUDGE

Rp